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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,465

03/03/2005

Ewald Houben

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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3635

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,465	Applicant(s) HOUBEN, EWALD	
	Examiner CHI Q. NGUYEN	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/2/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to applicant's application filed on 3/3/2005.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121.

I. Claims 14-16 drawn to method for manufacturing a construction element, classified in class 249.

II. Claims 1-13, drawn to apparatus of a reinforced concrete slab, classified in class 52.

The inventions I and II are related as process of making and product made. The inventions are distinct if either of the following can be shown:

(1) that the process as claimed can be used to make other and materially different product or

(2) that the product as claimed can be made by another and materially different process.

For instant case, the apparatus claims could be made by a method different than that group I such as manufacturing a concrete panel by line up flooring panels at least one edge exposed on top, then using roller with adhesive material rolling through out panel edges.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purpose as indicated is proper.

During a telephone conversation with Mr. Ernest Kenney on 2/21/2008 a provisional election was made without traverse to prosecute the invention of group II, claims 1-13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14-16 withdrawn from further consideration by the examiner as being drawn to a nonelected invention.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the supporting device

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: headings are missing.

Appropriate correction is required.

Claim Objections

Claims 3, 6 and 12 are objected to because of the following informalities:
applicant is advised not to use a pronoun in claims, e.g. "they and them" need to
remove. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by US
5,797,230 to Lassen.

Claims 1, and 12-13:

Lassen discloses construction element for forming a reinforced concrete slab (3),
comprising at least a hardened concrete layer (9), at least a number of reinforcement
elements (2) embedded in the concrete layer and cavity defining elements (7) extending
at least partially from the concrete layer (9) and defining cavities (3), wherein the cavity
defining elements (7) are configured to be covered with concrete at a later stage, and
are mutually nestable with each other (see Figs. 1 and 6).

Claim 2:

Wherein the cavity defining elements (7) are nestable with each other over at least 50%
of their heights (see Fig. 1).

Claim 3:

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Wherein the cavity defining elements (7) have one or more characteristics selected from the group consisting of: they are made mainly conical; they have the shape of an inverted flower pot; they are each made in one piece; they are made of plastic material (col. 4, line 8), they are provided with locking parts 16 at their bottom ends which are configured to be embedded in the concrete layer thereby enabling catching of the locking parts behind reinforcement elements.

Claim 4:

Wherein the cavity defining elements have a lower part situated in the concrete of the hardened concrete layer (Figs. 3 and 6).

Claim 5:

Wherein the cavity defining elements (7) are anchored to the construction element solely via a part thereof embedded in the concrete layer (see Fig. 6).

Claim 6:

Wherein the cavity defining elements (7) are anchored to the construction element in such a way that they at least remain anchored against floating and possible other forces when liquid concrete or cast concrete is poured over them.

Claim 7:

Wherein the anchoring is obtained by means of locking parts provided on the hollow elements, said locking parts at least including a laterally extending collar (6) (see Fig. 6).

Claim 8:

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Wherein the cavity defining elements (7) are erected in rows in orthogonal directions (see Fig. 6).

Claim 9:

Including a supporting device (16) arranged to support a top reinforcement (2a), said supporting device defining supporting parts which are located higher than the top sides of the cavity defining elements (see Figs. 3, and 5-6).

Claim 10:

Wherein the supporting parts are formed of reinforcement rods extending mainly parallel to the concrete layer.

Claim 11:

Including reinforcement elements (2) in the concrete layer (9) and wherein the cavity defining elements (7) are anchored in the concrete layer without contacting said reinforcement elements.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/C. Q. N./
Examiner, Art Unit 3635

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633